



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Attorneys for SN Servicing Corporation as servicer
for U.S. Bank Trust National Association, as Trustee
of the Tiki Series III Trust

In Re:

Jose Tenecela

Debtor(s)

Order Filed on April 26, 2021
by Clerk

U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-33984-JKS

Chapter: 13

Hearing Date:
April 22, 2021

Hon. Judge:
John K. Sherwood

CONSENT ORDER RESOLVING MOTION TO VACATE STAY

The consent order set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: April 26, 2021

A handwritten signature in black ink, appearing to read "J K Sherwood", written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

Applicant: SN Servicing Corporation as servicer for U.S. Bank Trust National
Association, as Trustee of the Tiki Series III Trust
Applicant's Counsel: Friedman Vartolo LLP
Debtor's Counsel: Jenee K. Ciccarelli
Property (Collateral): 349 Watsessing Avenue, Bloomfield, New Jersey 07003

Relief Sought:

- Relief from Automatic Stay

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor(s) is/are overdue for 2 months, from **February 2021** to **March 2021**.
- ☒ The Debtor(s) is/are overdue for 2 payments at **\$3,705.37** per month.
- ☐ The Debtor(s) is/are due for _____ in accrued late charges.
- ☐ The Debtor(s) is/are due for _____ in attorney's fees and costs.
- ☒ Applicant acknowledges suspense funds in the amount of _____.

Total Arrearages Due: **\$7,410.74**

2. Debtor(s) must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of _____. Payment shall be made no later than _____.
- ☒ Beginning on **April 1, 2021**, regular monthly mortgage payments shall continue to be made.
- ☒ Beginning on **May 1, 2021**, monthly cure payments shall be made in the amount of **\$617.56** for **11** months.
- ☒ Beginning on **April 1, 2022**, monthly cure payments shall be made in the amount of **\$617.58** for **1** months
- ☐ The amount of _____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly

payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address:

Payments: SN Servicing Corporation
P.O. Box 660820
Dallas, TX 75266

4. In the event of default:

☒ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ In the event the Debtor(s) converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor(s) fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorney's Fees:

The Applicant is awarded attorney's fees of \$400.00 and costs of \$188.00.

The fees and costs are payable:

- ☐ Attorney's fees and costs have been included in the Consent Order.
- ☒ Through the Chapter 13 plan. The fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.
- ☐ To the Secured Creditor within _____ days
- ☐ Attorney's fees are not awarded.
- ☐ Movant reserves its right to file a Post-Petition Fee Notice for fees and costs incurred in connection with the Motion for Relief.

The undersigned hereby consent to the form and entry of the foregoing order.

/s/ Jene K. Ciccarelli, Esq.
Jene K. Ciccarelli, Esq.
Attorney for Debtor

/s/ Jonathan Schwalb, Esq.
Jonathan Schwalb, Esq.
Attorney for Secured Creditor

In re:
Jose Tenecela
Debtor

Case No. 16-33984-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Apr 26, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 28, 2021:

| Recip ID | Recipient Name and Address |
|----------|--|
| db | + Jose Tenecela, 349 Watsessing Ave, Bloomfield, NJ 07003-6026 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 28, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 26, 2021 at the address(es) listed below:

| Name | Email Address |
|----------------------|--|
| Denise E. Carlon | on behalf of Creditor MTGLQ INVESTORS L.P. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com |
| Francesca Ann Arcure | on behalf of Creditor Nationstar Mortgage LLC NJ_ECF_Notices@McCalla.com NJ_ECF_Notices@McCalla.com |
| Jenee K. Ciccarelli | on behalf of Debtor Jose Tenecela info@jc-lawpc.com nadiainfinancial@gmail.com;kjr76568@notify.bestcase.com |
| Jonathan C. Schwalb | on behalf of Creditor SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of the Tiki Series III Trust bankruptcy@friedmanvartolo.com |
| Jonathan C. Schwalb | on behalf of Creditor SN Servicing Corporation as servicer for U.S. Bank Trust National Association as trustee of the Chalet Series III Trust bankruptcy@friedmanvartolo.com |
| Marie-Ann Greenberg | |

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Apr 26, 2021

Form ID: pdf903

Total Noticed: 1

magecf@magtrustee.com

Paola D. Vera

on behalf of Debtor Jose Tenecela pvera@cabanillaslaw.com bankruptcy@cabanillaslaw.com;r64840@notify.bestcase.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8